

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Natalina Slaughter,

Plaintiff,

v.

St. Louis County, et al.,

Defendants.

Case No. 21-cv-795 (SRN/LIB)

DEFENDANTS' STATEMENT OF THE CASE

This is an action by Natalina Slaughter, a former employee of MEnD Correctional Care, PLLC, the health authority at the St. Louis County Jail in Duluth, against St. Louis County and St. Louis County Deputy Sheriff – Corrections Officer James Burhans, in his individual and official capacities. (ECF No. 1.)

The complaint asserts federal-law claims against Corrections Officer Burhans and the county under 42 U.S.C. § 1983 and the U.S. Constitution (ECF No. 1 ¶¶ 15–23), state-law claims against Corrections Officer Burhans and the county for negligence and negligent infliction of emotional distress (*id.* ¶¶ 24–32), and state-law claims against the county alone for negligent retention and negligent supervision (*id.* ¶¶ 33–35).

The claims arise from Corrections Officer Burhans's alleged strangulation of Slaughter at the jail in September 2016. (*Id.* ¶¶ 9–14.) As a state district court determined in a prior proceeding, however, the alleged strangulation did not actually occur. This will be demonstrated by, among other things, the testimony of Corrections

Officer Burhans, the corroborating testimony of a MEnD employee who witnessed the interaction at issue, and the nonexistence of medical records, photographs, and other documents supporting Slaughter's false allegations.

Our other defenses include, without limitation, the following defenses.

- The federal-law claims against Corrections Officer Burhans are barred by the doctrine of qualified immunity because the asserted constitutional rights regarding the alleged use of excessive force by a coworker were not clearly established as of September 2016.
- The federal-law claims against the county are invalid because the alleged constitutional violations were not caused by a county policy or custom, as required under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), and related precedents.
- The claims for negligence and negligent infliction of emotional distress fail at the pleading stage because the substance of the factual allegations in the complaint amount to an intentional-tort claim for battery that is barred by the two-year statute of limitations in Minn. Stat. § 541.07(1) (2020), rather than a negligence-based claim subject to the six-year statute of limitations in Minn. Stat. § 541.05, subd. 1(5) (2020).*
- The claims for negligent infliction of emotional distress fail at the pleading stage for the additional reason that this tort is limited to situations where “[a] plaintiff is in a zone of danger when physical harm might occur, but fortunately does not,” *Wall v. Fairview Hosp. & Healthcare Servs.*, 584 N.W.2d 395, 408 (Minn. 1998), and that is not what allegedly happened here.*
- The claims for negligent retention and negligent supervision are invalid because it is well established that “supervising . . . and retaining municipal employees are policy-level activities that are protected by statutory immunity” under Minn. Stat. § 466.03, subd. 6 (2020). *Sample v. City of Woodbury*, No. 15-cv-602 (SRN/BRT), 2015 WL 5165359, at *7 (D. Minn. Sept. 3, 2015) (Nelson, J.) (quoting *Fear v. Indep. Sch. Dist. 911*, 634 N.W.2d

* We are meeting and conferring with Slaughter's counsel under D. Minn. LR 7.1(a) about a motion for judgment on the pleadings concerning this defense. If Slaughter does not agree on or before July 21, 2021, to voluntarily dismiss these claims, we will file and serve the motion shortly thereafter.

204, 212 (Minn. Ct. App. 2001)), *aff'd in part, rev'd in part on other grounds*, 836 F.3d 913 (8th Cir. 2016).

Defendants are not seeking damages in this action.

Dated: July 14, 2021

Respectfully submitted,

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